

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA	:	
	:	
v.	:	1:24CR81-1
	:	
MARCUS DEVON DALTON	:	

FACTUAL BASIS

NOW COMES the United States of America, by and through Sandra J. Hairston, United States Attorney for the Middle District of North Carolina, and as a factual basis under Rule 11, Fed. R. Crim. P., states the following:

In April of 2022, Special Agent (SA) Michael Newsome with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) was contacted by ATF CI 30840 (hereinafter CI-1) who wished to provide information on Marcus Devon DALTON aka "Ruga." CI-1 previously assisted SA Newsome with numerous investigations in the past and SA Newsome determined CI-1 to be a reliable source of information. CI-1 told SA Newsome that DALTON lives in Greensboro and identified DALTON¹ as a source of supply for firearms and machinegun conversion devices. CI-1 provided SA Newsome with text

¹ Both DALTON and CI-1 have previously been convicted of felony crimes punishable by terms of imprisonment exceeding one year and are prohibited from possessing firearms and ammunition.

messages they exchanged with DALTON to corroborate this information. SA Newsome confirmed that DALTON has been convicted of multiple felony offenses. Court records reflect that on February 11, 2014, DALTON was convicted of two charges of Obtaining Property by False Pretenses and sentenced to an active sentence of 10-21 months. As such DALTON was aware he had been convicted of a crime punishable by more than one year in prison. After confirming DALTON's felony status, SA Newsome utilized CI-1 to conduct multiple controlled purchases over the next several months as detailed below.

May 5, 2022 Controlled Purchase of Firearm from DALTON

On May 5, 2022, DALTON offered to sell a Glock 9mm pistol to CI-1. SA Newsome then instructed CI-1 to coordinate a controlled purchase of the firearm. SA Newsome provided CI-1 with ATF marked funds prior to CI-1's meeting with DALTON. DALTON and CI-1 then agreed to meet at Barbee Park in Greensboro where CI-1 purchased the Glock, Model 26, 9mm pistol (bearing S/N: GLG752) from DALTON for \$800.00. The transaction was recorded with the use of electronic surveillance equipment.

July 15, 2022 Controlled Purchase of Firearm from DALTON

On July 15, 2022, DALTON offered to sell a .45 caliber pistol to CI-1. SA Newsome provided CI-1 with funds and directed the CI-1 to meet with

DALTON to complete the purchase. DALTON and CI-1 then agreed to meet at the same location as the buy in May. CI-1 purchased a Springfield Armory, Model XDS, .45 caliber pistol (s/n: HG112339) from DALTON for \$540.00. The transaction was recorded with the use of electronic surveillance equipment.

July 19, 2022 Controlled Purchase of Firearm from DALTON

Just four days later, CI-1 told SA Newsome that DALTON had a 9mm pistol for sale. SA Newsome provided CI-1 with funds and directed that CI-1 meet with DALTON to complete the purchase. For this purchase, DALTON and CI-1 agreed to meet at the Marathon Gas Station on E. Market Street in Greensboro. CI-1 purchased the FMK, Model 9C1, 9mm pistol ² (s/n: BGG6291) from DALTON for \$600.00. The transaction was recorded with the use of electronic surveillance equipment.

March 17, 2023 Controlled Purchase of Firearms from DALTON

In March of 2023, CI-1 contacted SA Newsome and let him know that DALTON offered to sell two firearms to CI-1. SA Newsome provided CI-1 with funds and directed them to meet with DALTON to complete the purchase. CI-1 purchased a Cobray, Model PM-11, 9mm pistol (s/n: 94-0005035) and a

² NIBIN indicated this firearm was discharged during a commercial robbery in Greensboro on July 14, 2022, just five days before Dalton sold it to CI-1.

Privately Made, AR-15 pistol, chambered in 5.56 caliber (no serial number) from DALTON for \$1,700.00. The transaction was recorded with the use of electronic surveillance equipment.

April 14, 2023 Controlled Purchase of Firearm from DALTON

In April of 2023, CI-1 contacted SA Newsome and let him know that DALTON offered to sell an AR-15 to CI-1. SA Newsome provided the CI-1 with funds and directed the CI-1 to meet with DALTON to complete the purchase. CI-1 purchased the firearm, an American Tactical, Model Omni-Hybrid, multi-caliber pistol (s/n: NS205725) from DALTON for \$1,200.00. The transaction was recorded with the use of electronic surveillance equipment.

June 2, 2023 Controlled Purchase of Firearms from DALTON

In June of 2023, CI-1 contacted SA Newsome and advised that DALTON had offered to sell CI-1 two firearms. SA Newsome instructed CI-1 to introduce CI-2 to DALTON to purchase these firearms on June 2, 2023. CI-1 and CI-2 were provided with funds and directed to meet with DALTON to complete the purchase. CI-1 purchased the Taurus, Model 85, .38 caliber revolver (s/n: IK45870) and a Privately Made, AR pistol, 5.56 caliber (no s/n)³

³ This firearm was a short barreled rifle.

from DALTON for \$1,900.00. CI-2 informed DALTON that he was a convicted felon prior to the transaction. The transaction was recorded with the use of electronic surveillance equipment.

July 26, 2023 Controlled Purchase of Firearms from DALTON and FNU LNU

In July of 2023, CI-1 contacted SA Newsome and advised that DALTON had offered to sell CI-1 two firearms. SA Newsome provided CI-1 with funds and directed CI-1 to meet with DALTON to complete the purchase. DALTON and CI-1 agreed to meet at the Food Lion on Lees Chapel Road in Greensboro to complete the purchase. On this occasion, DALTON was driven to this location by an unidentified individual (FNU, LNU). CI-1 purchased the Glock, Model 19, 9mm pistol, (s/n: RKF793)⁴ and Anderson, Model AM-15, 5.56 caliber pistol, (s/n: 21254726) from DALTON for \$1,550.00. During the transaction FNU LNU told CI-1 that he was in possession of a fully automatic AR-15 pistol that he was willing to sell. CI-1 told FNU LNU that he would purchase the pistol the following day. The transaction was recorded with the use of electronic surveillance equipment.

⁴ NIBIN hit indicated this firearm was discharged during a “shots fired” call in Winston-Salem on June 14, 2023

July 27, 2023 Controlled Purchase of Firearms from DALTON and FNU, LNU

As discussed during the controlled purchase the previous day, CI-1 was instructed by SA Newsome to meet with DALTON and FNU LNU to purchase the fully automatic AR-15 pistol on July 27, 2023. CI-1 indicated that FNU LNU was also in possession of a second AR-15 pistol that he wished to sell during this transaction. SA Newsome provided CI-1 with funds and directed CI-1 to meet with DALTON and FNU LNU to complete the purchase. Through negotiations with DALTON, CI-1 agreed to meet them at 409-E Lowdermilk St. to complete the purchase. CI-1 purchased an Anderson, Model AM-15, 5.56 caliber pistol (s/n: 20106772) and a Privately Made, AR15 pistol, 5.56 caliber (no s/n) equipped with a drop in auto sear from FNU LNU for \$2,100.00. The transaction was recorded with the use of electronic surveillance equipment.

September 6, 2023 Controlled Purchase of Firearms from DALTON and associate

CI-1 contacted SA Newsome and let him know that DALTON and an associate had offered to sell CI-1 five firearms. SA Newsome instructed CI-1 to coordinate a controlled purchase of the firearms on September 6, 2023. SA Newsome provided CI-1 with funds and directed to meet with DALTON and

his associate to complete the purchase. The transaction was recorded with the use of electronic surveillance equipment. CI-1 purchased the following firearms from DALTON and PERRY for \$2,500.00:

- S&W, Model 642, .38 caliber revolver, S/N: CZH4378 (Reported stolen from a robbery at Smart Pawn)
- S&W, Model SD40, .40 caliber pistol, S/N: FBP3720 (Reported stolen from a robbery at Smart Pawn)
- S&W, Model SD40, .40 caliber pistol, S/N: FDM9748 (Reported stolen out of Charlotte, NC)
- Sig Sauer, P226, .40 caliber pistol, S/N: UU6077158 (Reported stolen from a robbery at Smart Pawn)
- Taurus, Model G2C, .40 caliber pistol, S/N: ADJ740650

September 21, 2023 Controlled Purchase of Firearms from DALTON and associate

In September of 2023, CI-1 contacted SA Newsome and advised that DALTON and his associate had offered to sell CI-1 three firearms. SA Newsome instructed CI-1 to coordinate a controlled purchase of the firearms on September 21, 2023. SA Newsome provided CI-1 with funds and directed CI-1 to meet with DALTON and PERRY to complete the purchase. The transaction was recorded with the use of electronic surveillance equipment. CI-1 purchased the following firearms from DALTON and PERRY for \$1,900.00:

- Beretta, Model M9, 9mm pistol, S/N: M9-10-1679 (Reported stolen out of Orange County, NC)

- SCCY Industries, Model CPX-1, 9mm pistol, S/N: 509250 (Reported stolen out of Raleigh, NC)
- Privately Made, .40 caliber pistol, no S/N

SA Newsome, an interstate nexus expert, physically examined each of the serialized weapons in the investigation for the purpose of making an interstate nexus determination. SA Newsome was able to confirm that each of the serialized weapons purchased during this investigation were manufactured outside of the state of North Carolina. Therefore, it is the opinion of SA Newsome that each of these firearms has traveled in and/or affected interstate or foreign commerce.

SA Newsome consulted with an ATF Industry Operations Investigator (IOI) to have DALTON queried through the ATF Federal Licensing System to determine if he has ever obtained a Federal Firearms License (FFL). SA Newsome confirmed that DALTON did not possess any license which would allow him to manufacture, deal, or import firearms.

This, the 2nd day of May, 2024.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on May 2, 2024, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Ira R. Knight, Esq.

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